

# **Deficiency Progress Report – Update 1**

Report Submitted: February 27, 2009

**CUPA: Tulare County Environmental Health**

**Evaluation Date: October 28 and 29, 2008**

**Evaluation Team:**

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**Corrected Deficiencies: none**

**Next Progress Report (Update 2) Due: May 28, 2009**

[Please update the deficiencies below that remain outstanding.](#)

1. **Deficiency:** The CUPA is not taking enforcement actions against handlers who are not submitting annual inventories or annual certifications of no change to their inventories. Of the 13 files reviewed, 4 did not contain a current annual inventory or annual certification of no change.

**Preliminary Corrective Actions:** By April 29, 2009, the CUPA will review its business plan files to determine how many handlers are out of compliance in regards to annual inventory/certification to determine the number of handlers that are not in compliance with the annual inventory reporting requirements.

In the CUPA's 2<sup>nd</sup> progress report, include the number of enforcement actions taken against handlers that are not in compliance with the annual inventory reporting requirements.

**CUPA's 1<sup>st</sup> Update:** The CUPA is closely monitoring submissions of Calendar Year 2009 annual hazardous material inventories and certifications. As of the date of this report, 628 of a total of 1,258 handlers (50%) had submitted current hazardous material inventories or certifications. On March 2, 2009, the CUPA will mail a reminder notice to all handlers that have not submitted a Calendar Year 2009 annual hazardous material inventory or certification. The reminder will warn of possible enforcement if the annual hazardous material inventory or certification April 1, 2009. If the handler does not submit the annual hazardous material inventory or certification by April 1, 2009, a Notice of Violation will be issued and a final deadline of May 1, 2009, will be established. Handlers not complying with the final deadline of May 1, 2009, will be subject to issuance of an Administrative Enforcement Order.

The CUPA will review compliance of handlers with annual inventory/certification requirements on an ongoing basis, and will include the number of enforcement actions taken against handlers that are not in compliance with the annual inventory reporting requirements in the 2nd progress report.

**Cal/EPA's 1<sup>st</sup> Response:** Please refer to CalEMA's response.

- **CalEMA's Response:** The actions taken by the CUPA appears to be a successful measure in correcting this deficiency. 50% have submitted current hazardous materials inventory or certifications, in the CUPA's next progress report, please report the effectiveness of the reminder notice and any updated numbers. Keep up the good work!

2. **Deficiency:** The CUPA has not maintained the state mandated inspection frequency for all CalARP facilities. There were numerous facilities files reviewed that had inspection reports that were over 3 years old.

**Preliminary Corrective Actions:** By January 29, 2009, the CUPA will submit an action plan to Cal/EPA which will outline how the CUPA expects to reach the state mandated inspection frequencies for CalARP facilities.

By June 30, 2009, the CUPA will complete at least one-third of their CalARP facility inspections.

**CUPA's 1<sup>st</sup> Update:** The CUPA has developed the following action plan outlining how the CUPA expects to reach the state mandated inspection frequencies for CalARP facilities.

There are currently 105 facilities subject to the CalARP surcharge, 92 of which have submitted Risk Management Plans (RMPs). One third of the total number of 105 CalARP facilities equals an annual requirement of 35 routine CalARP inspections. The CUPA has performed 18 routine CalARP inspections between the start of the reporting year (i.e., July 1, 2008) and the date of this report. Therefore, the CUPA will need to perform an additional 17 routine CalARP inspections to meet state-mandated triennial inspection frequencies. The CUPA believes that this will be achieved in that all existing inspectors have received additional CalARP training, and are now qualified to perform inspections of these facilities. Also, a former Tulare County CUPA inspector has been rehired and will begin work on March 2, 2009. This person has extensive experience with the CalARP program and will be an additional asset to attain state-mandated inspection frequencies by June 30, 2009.

**Cal/EPA's 1<sup>st</sup> Response:** Please refer to CalEMA's response.

- **CalEMA's Response:** With the hiring of new staff, this deficiency appears to be on its way to being corrected. The CUPA states that it feels that it

can achieve the goal of inspecting the remaining 17 facilities, to reach the state mandated inspection frequencies, please in the next progress report, report on the number of inspections completed and how many need to be completed to correct this deficiency. Keep up the good work!

3. **Deficiency:** The CUPA has not inspected all Tiered Permitting (TP) facilities within the state mandated triennial inspection frequency.

**Preliminary Corrective Actions:** The CUPA shall ensure that all TP facilities are inspected by September 30, 2009. The CUPA shall indicate when the goal has been achieved in the next fiscal year (FY) 08/09 Annual Inspection Summary Report 3.

**CUPA's 1<sup>st</sup> Update:** The CUPA currently has eight tiered permit facilities. The CUPA has performed 3 routine tiered permit facility inspections between the start of the reporting year (i.e., July 1, 2008) and the date of this report. In addition, four of the seven CUPA inspectors have received the following training applicable to tiered permit facilities during FY 2008/09.

7/23/2008	RCRA Large Quantity Generator Inspection Training	Fresno, CA: NES	8 hrs.
9/29/2008	Training On The New Permit By Rule For Treatment Of Aqueous Wastes Containing Cyanides	Evelia Rodriguez, Asha Arora, DTSC	7 hrs.

The inspector with the bulk of the tiered permit facilities also received the following training at the CUPA Conference:

1/26/2009	Electroplating Facility Inspection Tutorial M-B1	CUPA Conference	2 hrs
1/28/2009	Tiered Permitting Inspector W-B2	CUPA Conference	4 hrs

The CUPA is committed to inspecting all tiered permit facilities during FY 2008/09 and will report attainment of this goal on the Annual Inspection Summary Report 3.

**Cal/EPA's 1<sup>st</sup> Response:** The CUPA is making progress toward correcting this deficiency. On the next progress report, please report the total number of tiered permitting facilities the CUPA inspected for FY 08/09.

4. **Deficiency:** The CUPA is unable to document in certain instances that some facilities that have received a notice to comply citing minor violations have returned to compliance (RTC) within 30 days of notification. Either the business must submit a RTC certification in order to document its compliance or in the

absence of certification the CUPA may reinspect the facility to confirm that compliance has been achieved.

**Preliminary Corrective Actions:** The CUPA will ensure that all facilities with minor violations self-certify that they have RTC by receipt of a RTC certification. In the absence of a RTC certification, the CUPA may document compliance with a reinspection report.

By April 29, 2009, please submit to Cal/EPA two or three examples of RTC certifications or other follow-up documentation.

**CUPA's 1<sup>st</sup> Update:** Please find attached four examples of RTC certifications.

**Cal/EPA's 1<sup>st</sup> Response:** Cal/EPA reviewed the RTC certifications submitted by the CUPA. The certifications are satisfactory. On the next progress report, please report the total number of facilities with minor violations that are greater than 30 days outstanding.